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ABSTRACT

This paper reviews numerous court cases which have dealt with desegragatien and discusses the impact these have had on the educational opportunities of urban, minority children. Particular attention is given to the failure of desegregation efforts to achieve stable racial balances in urban school districts. Attempts by the courts to deal with this problem are described, and specific strategies used by various school districts to implement court decisions and improve racial balance in their schools are discussed. In addition, attention is given to improvements made in the quality of education in schools attended predominantly by minority children. It is concluded that judicial support and oversight are needed to guarantee effective education for minority children in mainly minority schools. (Author/EB)

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Legal Analysis

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Trends in School Desegregation Law

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THE MIRAGE OF METROPOLITAN SCHOOL REMEDIES

Even those who have never been near a desert can understand and sympathize with the experience of lost travelers who wander for miles on a sea of sand, seeking water at a tree-lined oasis that appears always just ahead, shimmering under the burning sun. A quarter century after Brown, the mirage phenomenon, a seductive combination of physical reality and mental delusion, is a useful analogy.[1] A mirage rather accurately explains the continuing fascination of school desegregation policy makers with remedies for predominantly black urban school segregation that require the combining of several mostly white suburban school districts to make potentially stable racial balances in the schools possible.

The attractions are obvious. Desegregation, if not either equal educational opportunity or racially balanced schools, has come to most smaller school districts.[2] It is the large, urban districts where the problems of size, distance, and segregated housing stimulate school board and community resistance. Similar factors seem to have discouraged the once-supportive judicial findings, which now mask concerns about relief with higher standards of liability. In other words, the intensity of opposition to school desegregation can now be correlated with fears related to disruption and dilution of current schooling patterns and expectations. These concerns grow as the existing or proposed percentage of minority children in the district increases.

The Integration Alchemy: Making Minorities Out of Majorities

School desegregation advocates have recognized this racist reality, and while willing to argue that a desegregated school or district can be a "majority" black school or district,[3] they urge the adoption of desegregation plans that will result in what one court has quoted Harvard Professor Thomas Pettigrew as calling a "viable racial mix." Under the "viable racial mix" approach, no more than 20 to 40 percent minority children would be assigned to any one school.[4]

The Fourth Circuit construed Dr. Pettigrew's testimony as requiring at least a 20 percent minority component to avoid tokenism, and the 40 percent limit to insure stability. "When the black population in a school rises substantially above 40 percent, it has been Dr. Pettigrew's experience that white students tend to disappear from the school entirely at a rapid rate,..."[5]

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Policy makers are far more willing than most black parents to accept the perpetuation of minority status inherent in such majority white definitions of school integration. But there are few large, urban school districts whose racial percentages enable even a 50-50 racial balance. Indeed, unless already stabilized over a long period, a 50 percent minority school would likely be highly unstable, and as the first nervous white parents withdrew their children and the percentage of minority children increased, the school would likely begin a not so lengthy slide toward an all-minority student population.

But in the 20 to 30 largest school districts, where about half of all minority children reside, the minority children average 60 percent of the school population.[6] Only a few of these districts still have a majority of white students, and the average of minority students in the ten largest districts is 68.2 percent.[7]

The Rise and Fall of the Metropolitan Idea

Statistics like these early convinced civil rights planners to ignore the Supreme Court's 4-4 affirmance of a lower court's refusal to approve a metropolitan desegregation plan for the city of Richmond, Virginia.[8] Already pending appeal at the time was a district court order finding both the State of Michigan and the City of Detroit responsible for segregation in their 63.8 percent black Detroit schools.[9] On appeal, the Sixth Circuit found only a month after the Richmond affirmance that a "Detroit only" remedy could not desegregate the schools and authorized the district court to consider a metropolitan plan encompassing 53 suburban districts.[10]

But the following year, the Supreme Court, albeit in a 5-4 decision, concluded that federal courts may not impose multidistrict remedies for single district violations unless the other school districts have failed to operate unitary school systems, or are found to have committed acts that affected segregation within the other districts.[11]

The tough standards of proof set by the Court in Milliken evidently have been met in two formerly de jure segregated school systems in which only a few suburban school districts are affected,[12] but the initial hope that metropolitan plans could be forced on resisting urban, mainly minority school districts has evaporated for all save those committed civil rights wanderers who believe that the metropolitan mirage will yet become a reality if they don't lose faith and simply ignore the contrary compass headings suggested by Supreme Court decisions.

Limiting Relief By Increasing the Standards of Liability

The commitment to metropolitan remedies might be more understandable if judicial developments in intra-district school litigation were establishing precedents that undermined the generally criticized decision in Milliken.[13] But the Supreme Court has been far from sympathetic in reviewing recent urban school litigation. The Court didn't hand down any school decisions during its 1977-78 Term, but in the prior year, it vacated and/or remanded orders for racial balance type desegregation plans in five cases.[14]

In each of these cases, the Court majorities pointedly referred lower courts to the difficult-to-meet invidious purpose and intent standards of liability in the Washington v. Davis[15] and Village of Arlington Heights[16] cases. The

Court tried to make clear that liability for segregated school patterns could not be assessed based on simply holding school officials responsible for the "natural and foreseeable consequences of their actions," (Austin), or by a tabulation of "cumulative violations" attributable to school policies (Dayton). Effect type tests were inadequate, and some justices suggested that even where liability was found properly, lower courts were wrongly imposing broad-range busing remedies exceeding the harm caused by the discrimination.

Racial balance advocates have not lost hope in the face of these decisions. They refer optimistically to lower courts which have ignored the message that the Supreme Court has attempted to communicate. In the Austin case, for example, the Fifth Circuit restudied its earlier decisions in the light of Washington v. Davis and Arlington Heights, and again concluded that the evidence overwhelmingly supported the conclusion that the Austin Board had engaged in acts showing a pervasive intent to segregate Mexican-Americans.[17] The Eighth Circuit reached a somewhat similar conclusion in the Omaha case.[18] On remand of the Dayton case, the district court determined that the proof of discrimination did not meet the Supreme Court standards as set in Dayton Bd. v. Brinkman, supra. The district court then dismissed the suit, but the dismissal was promptly reversed by the Sixth Circuit that characterized the district court's reading of the Supreme Court's opinion as a "misunderstanding."[19] While metropolitan-wide remedies are not sought in any of the above cases, it goes without saying that the rigid standards of proof and greatly limited scope of remedy will render metropolitan-type remedies even more difficult to obtain than appeared the case after Milliken v. Bradley.

Support for so gloomy a prediction is contained in Mr. Justice Rehnquist's August, 1978 explanation for his decision to grant a stay in a school desegregation order in the Columbus, Ohio school case.[20] In his view, the Sixth Circuit in both the Columbus and Dayton cases, had "evinced an unduly grudging application of Dayton....In both cases, the Court of Appeals employed legal presumptions of intent to extrapolate systemwide violations from what was described in the Columbus case as 'isolated' instances."[21]

In determining to grant the stay even after the stay application had been denied by Justice Stewart, Justice Rehnquist was influenced by the major preparations that had to be made, the "personal dislocations that accompany the actual re-assignment of 42,000 students, 37,000 of which will be transported by bus," and the severe financial difficulties experienced by the Columbus school system. A $9.5 million deficit was predicted for the calendar year 1978, $7.3 million of which was attributed to desegregation expenses. Under Ohio law, the system cannot operate without cash reserves, and it was feared the schools would be closed by mid-November, 1978.[22]

The Value of School Integration Compared to What?

Justice Rehnquist has not been a staunch supporter of school desegregation decisions. Since joining the Court in January, 1972, he has dissented in the Denver school case,[23] joined the majority in the Detroit case, wrote the opinion rejecting any necessity for further desegregation in the Pasadena case,[24] and also authored the Dayton case.[25] Even so, it is difficult not to discern a basis for Justice Rehnquist's action in the Columbus case other than unthinking opposition. Assuming that the difficult standards of proof set in recent decisions had been met, it is now clear to the most casual observer that the tremendous amount of

busing required to implement a system-wide desegregation order will somehow reduce the number of white families whose children are available to integrate the schools. There remains a brisk controversy as to whether school desegregation orders trigger white flight, or whether the exodus of middle class white and black families represents simply a continuing trend toward the suburbs.[26] But whatever the cause, the aftermath of urban city school desegregation orders relying on racial balance remedies, usually increases the percentage of non-white students in the school system. Moreover, those whites and blacks left in the system tend to be from the lower socio-economic classes. Even the most idealistic of integration proponents would not urge that these groups are likely to gain much in racial understanding from attending the same schools.

When blacks are integrated into poor, white schools, the long-assumed tactical advantage of Brown, "that black kids will get what white kids get only when black kids are placed in schools where white kids are," breaks down. In all too many instances, schools serving poor, white children are no better and sometimes worse than schools serving poor, black children. The hostility of the poor whites, as the Boston experience illustrates all too well, renders any education at all next to impossible for a long period.

A difficult, even violent transitional period might be worth the effort and the risk if experience indicated that, at some point, the desegregated school settled down and minority students began achieving scholastically at an impressive rate. Again, the studies in this area evoke more controversy than consensus, but the definitive if provocative review of those studies by Nancy St. John[27] requires the conclusion that many minority students attending desegregated schools have not experienced educational gain. Respected and committed researchers like Meyer Weinberg reach far more optimistic conclusions after evaluations of desegregation studies, including some of those contained in the St. John assessment. About the most positive assessment that can be made is that desegregation clearly helps some black students, harms others, and may be mildly beneficial to others, but in not easily measurable ways as far as scholastic performance is concerned.[28] Since the great hope of school desegregation was that black children would close the academic achievement gap between themselves and white children, a policy that is expensive, time-consuming and disruptive, must provide real proof that minority children will receive schooling that is clearly superior to that obtainable in their former segregated schools.

Measuring academic improvement is not easy. There are so many variables to control for, the conditions differ radically from one study to another and the period of study is usually far less than the 12 or 13 years children spend in public schools. Moreover, it is difficult to remove or neutralize the personal views and prejudices of the investigators from the results of their studies. For example, one short paper prepared with Ford Foundation support for the Illinois Office of Education, contains several statements reflecting a total commitment to integration:

-- "We suggest that even the best teachers in segregated low-income or black schools come to expect less of their students."

-- "Desegregation works because it eliminates the psychological damage done by segregation."

-- "Finding out that they [blacks] can make it is a boost in self-

confidence that they cannot be provided in a segregated school, no matter how good the curriculum or the teacher."[29]

Such statements may be well-intended, but they certainly are not provable, and constitute a form of group libel on black schools and staffs who are likely to bear the burden of preparing minority children to "make it" for many years to come.

Getting Ahead by Remembering Where We've Been

To return to the desert analogy, when one is lost, a mirage offers as much basis for direction as anything else. The difficulty with applying the analogy to those seeking metropolitan school remedies is that there are clear alternative directions beckoning to those evidently blinded by the seductive image of metropolitan-wide integrated schools.

It is now easy to forget that the now firmly held belief that schools must be integrated in order to be constitutional sprang less from the language of Brown than from the realization ten or so years later that resistance and evasion to the Brown mandate was so widespread that there would be no constitutional schools unless those schools were integrated. This measure helped desegregate any number of medium and smaller size school districts during the late 1960's. And the Supreme Court, in effect, adopted this standard in 1968.[30] But it was of little help in predominantly black school districts which under school desegregation pressure became all-black, or tried to close.[31]

Segregated schools were morally evil, educationally dysfunctional, and constitutionally perverse. But many black children somehow managed to get an education in them. Very few have asked how. Resistance to implementing Brown has been so fierce that civil rights advocates have been pushed to denounce all black schools as segregated and per se educationally worthless. As one commentator has put it, "The only way...to move a sluggish nation towards massive amelioration of the Negro condition was to show how terrifyingly debilitating were the effects of discrimination and bigotry."[32]

But while segregated with all the handicaps of that condition, some black schools even in the pre-Brown era were educationally effective.[33] And there are all-minority schools functioning at a high level today. In a not yet completed Carnegie Fund sponsored study, Ron Edmonds of the Harvard Graduate School of Education has identified a number of schools serving poor, minority children in urban areas where scores on standardized tests equal or exceed national norms. No educator will be surprised to find that these successful schools are characterized by strong leadership from the principal, a close working relationship between parents and teachers, and a strong belief underlying all activity that the children could learn and would learn. In short, good ghetto schools achieve with the same tools that enable good suburban, middle class schools to achieve. The major barrier is the presumption held by all that middle class children can learn, and the opposite presumption that so often defeats the black, or poor white school for that matter, before it has even begun.

There are those who believe that learning to read and write in an all-black school can provide no value to a black child.[34] But few poor, urban minority parents can afford the luxury of an attitude both so idealistic and so wrong.

Gaining the Benefits of Brown for All-Minority Schools

A pertinent question is whether a climate for at least some of the factors that tend to make for educational effectiveness in inner-city schools might not be mandated by courts in school desegregation cases. For some of the reasons already discussed, this question has not often been presented in litigation, most of which has focused on racial balance and busing-type remedies. There are now strong indications that courts will look with favor on educationally oriented districts where traditional racial balance remedies are simply not feasible. Courts have never been reluctant to include educational components as adjuncts to racial balance desegregation plans.[35] And, a few courts have adopted educationally-oriented remedies as a partial substitute for some degree of desegregation. In Boston, for example, the federal court adopted several provisions designed to improve the quality of the notoriously poor Boston schools.[36] And it is the educational measures which now raise the hope that Boston's desegregation effort will eventually both improve the public schools and lessen the hostile racial climate that has existed for so long among lower-class citizens of that historic city.

Atlanta provides a key illustration of potential judicial flexibility in school desegregation cases. A group of plaintiffs there became discouraged after twenty-two years of only partially successful litigation to desegregate schools in a district which had gone from 32 percent black in 1952 to 82 percent black in 1974. Acting through their lawyers, the plaintiffs agreed to a compromise plan with the Atlanta school board that called for full faculty and employee desegregation. In exchange, the school board promised to hire a number of blacks in top administrative positions, including a black superintendent of schools. Apparently influenced by petitions favoring the plan's adoption that had been signed by several thousand members of the plaintiffs' class, the federal courts approved the plan.[37]

A major breakthrough in educationally-oriented relief has occurred through the Supreme Court's second decision in the Detroit school case. Following remand of the case after the Supreme Court refused to approve a metropolitan plan, the district judge rejected a desegregation plan designed to bring about racial balance within the 70 percent black school district. Instead, the lower court approved a plan containing several "educational components" regarding faculty assignments, reading and communication skills, inservice training, vocational education, testing, students' rights and responsibilities, school-community relations, counseling and career guidance, co-curricular activities, bilingual and ethnic studies, and monitoring by citizens' groups. The Court ordered that the state (which had been held partially responsible for Detroit's segregated schools) pay for some of the educational improvements.[38]

The Detroit decision should thus be of major importance to state school officials. If, as it appears, the Supreme Court is very reluctant to approve orders requiring multi-district desegregation, but is willing to hold state school officials financially liable for educational components intended to improve the education of children attending inner-city schools, then it would be well for states to insure that educationally-oriented desegregation plans are effective. As we now know, more money is no more a guarantee of good schooling for poor, minority children than more racial balance.

States may wish to play a larger role in formulating the educational components

in urban area desegregation plans. As in Detroit, these plans may provide for feasible racial balance, and traditional schemes for redrawing zone lines and establishing magnet schools are appropriate. Certainly, every student seeking admission to a school where his or her race is in the minority should be entitled to attend such a school. But major attention must be given to improving the quality of education in schools that remain predominantly minority. This cannot be achieved solely through smaller class size, new instructional programs or more experienced teachers.

It is clear that no school is effective for long without strong leadership from the principal or headmaster. Court orders can be written to strengthen school board ability to identify, place and retain such key administrative personnel. Accountability, long discussed but seldom realized in educational circles, might at long last be possible.

As Michigan's state superintendent, John Porter, preaches so untiringly, accountability will be easier if public schools focus on their primary task of teaching skills, handing back to society the burdens of correcting all the social ills traceable to breakdowns in the church, community, and in the home. Dr. Porter will have a unique opportunity to test his educational philosophy in a specific school district. In the Benton Harbor school case, federal district judge Noel P. Fox, has found both district and state officials responsible for the system's segregated schools.[39] He ordered the state superintendent to chair a "Desegregation Planning Committee" to formulate a plan that will "eradicate all vestiges of segregation in the Benton Harbor Area School District."[40] The court order sets the achievement of racial balance as a "starting point" for compliance, and it will be interesting to watch how Dr. Porter balances the court's mandate with his oft-stated educational priorities.

Whether or not court orders are present, innovative state school officers might urge local officials to provide increased access for parents into the schooling process. Even educated middleclass parents experience continuing frustration trying to establish an ongoing relationship with their childrens' teachers and schools. The barriers faced by poor, often uneducated parents in understanding and playing a role in their childrens' education borders on the insurmountable. And yet, the value of establishing a close relationship between parents and schools is essential as Professor Sara Lightfoot shows in her exciting new book, Worlds Apart.[41]

Professional educators will understand the importance and potential for new school remedies far better than lawyers. It is enough to reiterate that the Supreme Court has now approved the "educational components" in the Detroit case.[42] Given the number of predominantly minority urban school districts like Detroit where racial balance remedies will not work, the decision has potentially great significance. It could well signal greater judicial reliance on enforcing Brown by improving the quality of schooling for blacks in predominantly black schools.

The Detroit litigation provides reason for hope, but not for enthusiasm. Even with the Supreme Court approved educationally-oriented relief, experience indicates that there will be as much resistance to this means of compliance to the Brown decision as there has been to racial-balance remedies. School plans that will give black parents a participatory role in the educational process will likely meet stiff resistance from vested school interests, including teachers' unions, school suppliers and contractors. In addition, resistance can be expected

from those elements of both black and white communities which traditionally have reacted out of a sense of fear and threat whenever a predominantly black group or institution seeks to become a viable, functioning entity.

Because resistance to any educationally viable plan for minority children is likely to be severe, it is imperative that judicial support and oversight be retained. There is, of course, no guarantee that all-black schools that look like separate and inferior schools won't become separate and inferior schools. That risk is real. But the schools attended by minority children while civil rights lawyers stumble toward the shimmering mist of metropolitan relief are almost certainly separate, and all too frequently, inferior. Nor has the separate and unequal spector been banished from racially-balanced schools where tracking, disciplinary push-outs and racism in all its forms has taken a dreadful toll of many minority students who in obtaining a desegregated education, received little more than a long bus ride.

In many ways, the effort to obtain an equal educational opportunity for the nation's urban minority children is far more difficult than crossing an uncharted desert. The obstacles of the latter are mostly those of nature, and can be anticipated--even the mirage loses much of its mystique when the experienced traveler realizes that his destination may look similar, but lies in another direction. It is heartening to note that there are more and more persons in policy making positions who recognize that the real benefits of integrated schooling will not be possible until we achieve what is now achievable: Effective education for minority children in mainly minority schools.

FOOTNOTES

1. "An optical phenomenon that creates the illusion of water, often with inverted reflections of distant objects. It results from distortion of light by alternate layers of hot and cool air." The American Heritage Dictionary, 837 (1969).
2. U.S. Commission on Civil Rights, Statement on Metropolitan School Desegregation, 7-8 (Feb. 1977).
3. Nathaniel R. Jones, General Counsel, NAACP in Correspondence, 86 Yale L. J. 378, 381 (1976).
4. Bradley v. School Bd. of Richmond, Va., 462 F.2d 1058, 1062-63 (4th Cir. 1972).
5. Id.
6. Diane Ravitch, "The 'White Flight' Controversy," 51 The Public Interest 135, 145-47 (1978).
7. Id. Statistics for the ten largest districts are: New York City, 69.5%; Los Angeles, 63%; Chicago, 75%; Houston, 65.8%; Detroit, 81.3%; Philadelphia, 68.2%; Miami, 59%; Baltimore, 75.6%; Dallas, 61.9% and Cleveland, 62.9%.

8. School Board of City of Richmond, Va., v. State Board of Educ., 412 U.S. 92 (1973).

9. Bradley v. Milliken, 338 F.Supp. 582 (E.D. Mich. 1971).

10. Bradley v. Milliken, 484 F.2d 215 (6th Cir. 1973).

11. Milliken v. Bradley, 418 U.S. 717 (1974).

12. Evans v. Buchanan, 555 F.2d 373 (3d Cir. 1977); 435 F.Supp. 832 (D.Del. 1977); 447 F.Supp. 982 (D.Del. 1978), (Wilmington, Del.); Cunningham v. Grayson, 541 F.2d 538 (6th Cir. 1976), cert. denied, sub nom., Board of Educ. of Jefferson County v. Newburgh Area Council, Inc., 429 U.S. 1074 (1977).

13. See, e.g., Lawrence, "Segregation 'Misunderstood': The Milliken Decision Revisited," 12 U.San Francisco L.Rev. 15 (1977); Sedlar, "Metropolitan Desegregation in the Wake of Milliken--On Losing Big Battles and Winning Small Wars: The View Largely From Within," 1975 Wash. U. L.W. 535; Amaker Milliken v. Bradley: The Meaning of the Constitution in School Desegregation Cases, 2 Hastings Const. L.Q. 349 (1975); Taylor, "Desegregating Urban School Systems After Milliken v. Bradley," 21 Wayne L.Rev. 751 (1975).

14. See, Austin Independent School Dist. v. United States, 429 U.S. 990 (1976); United States v. Bd. of School Commissioners of City of Indianapolis, Ind., 429 U.S. 1068 (1976); School Dist. of Omaha v. United States, 433 U.S. 667 (1977); Brennan v. Armstrong, Milwaukee, 433 U.S. 672 (1977). Dayton Bd. of Educ. v. Brinkman, 433 U.S. 406 (1977).

15. 426 U.S. 229 (1976).

16. Village of Arlington Heights v. Metropolitan Housing Dev. Corp., 429 U.S. 252 (1977).

17. United States v. Texas Educ. Agency, 564 F.2d 162 (5th Cir. 1977).

18. United States v. School Dist. of Omaha, 565 F.2d 127 (8th Cir. 1977).

19. Brinkman v. Gilligan, No. 78-3060 (Jul. 27, 1978).

20. Columbus Board of Educ. v. Penick, 47 U.S.L.W. 3089 (Aug. 22, 1978).

21. Id. at 3090.

22. Id.

23. Keyes v. School Dist. No. 1, Denver, Colo., 413 U.S. 189 (1973).

24. Pasadena City Board of Educ. v. Spangler, 427 U.S. 424 (1976).

25. Dayton Board of Educ. v. Brinkman, 433 U.S. 406 (1977).

26. The debate is analyzed by Diane Ravitch in "The 'White Flight' Controversy," supra note 6. The most recent statistical salvo intended to show that court-ordered desegregation is producing increasing ethnic and racial isolation in many large school districts is fired in David Armor, "White Flight, Demographic Transition, and the Future of School Desegregation," The Rand Corp. (1978).

27. Nancy St. John, School Desegregation Outcomes for Children (1975).

28. See, e.g., Weinberg, "The Relationship Between School Desegregation and Academic Achievement: A Review of the Research," 39 Law & Contemp. Problems 241 (1975).

29. R. Crain and R. Mahard, "Desegregation and Academic Achievement," 405. The authors report that their research results will be reported in more detail in an article of the same title scheduled for publication in the Summer, 1978 issue of Law and Contemporary Problems.

30. Green v. County School Board of New Kent County, 391 U.S. 430 (1968).

31. Griffin v. County School Board of Prince Edward County, 377 U.S. 216 (1967).

32. L. Fern, The Ecology of the Public Schools: An Inquiry Into Community Control, 6 (1971).

33. See, Sowell, "Black Excellence--The Case of Dunbar High School," 35 Pub. Interest 3 (1974); Sowell, "Patterns of Black Excellence," 43 Pub. Interest 26 (1976).

34. Bell, "The Curse of Brown on Black," 2 First World 14 (1978).

35. See, e.g., U.S. v. Jefferson County Bd. of Education, 380 F.2d 385, 394 (5th Cir. 1969); remedial programs; U.S. v. Texas, 432 F.Supp. 24, 28-38 (E.D. Tex. 1971), aff'd, 466 F.2d 518 (5th Cir. 1972), bilingual bicultural classes, staff training, parent and community involvement, special education courses, counseling programs and early childhood education programs.

36. Dividing the system into eight community districts, the court established parent advisory councils at the citywide and community district levels and "racial-ethnic councils" at each school. Councils at the school level will participate in evaluating schools and school programs. The racial-ethnic councils, which will be composed of representatives from each racial and ethnic group, will investigate minority group problems, propose solutions, and follow up with implementation activities. In addition, they will also work with parents, teachers and administrators to further a sense of common purpose of approval schools. The advisory councils at the community district and citywide levels will communicate problems to the Community District Superintendents and the School Committee. The court also initiated contractual relationships between the public schools and 20 colleges and universities in the Greater Boston area to upgrade and equalize educational opportunities. Twenty businesses have been paired with schools, and 110 other institutions, members of the Metropolitan Cultural Alliance, are pledged to provide innovative and enriching programs for students. Morgan v. Kerrigan, 401 F.Supp. 216, 248-53, 259-60, 265-68 (D. Mass. 1975), aff'd, 530 F.2d 401 (1st Cir., Jan. 14, 1976).

37. Calhoun v. Cook, 362 F.Supp. 1249 (N.D. Ga. 1973). The plan included provisions that there would not be less than 20 percent blacks in already integrated "stabilized" schools nor less than 30 percent in other schools. The district court found the plan reasonable "considering the small percentage of white children (21 percent) now remaining in the Atlanta school system."

38. Bradley v. Milliken, 402 F.Supp., 1096 (E.D. Mich. 1975) aff'd 540 F.2d (6th Cir. 1976).

39. Berry v. School Dist. of City of Benton Harbor, __ F.Supp. __ (W.D. Mich., Jul. 25, 1978).

40. Id.

41. Sara Lawrence Lightfoot, Worlds Apart: Relationships Between Families and Schools, Basic Books, 1978.

42. Milliken v. Bradley, II 433 U.S. 267 (1977).

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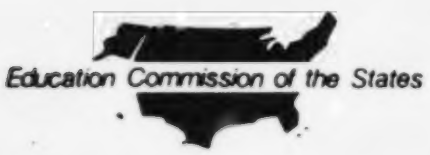

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